

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

CLAUDE BOUDREAUX, *et al.*,

Plaintiffs,

v.

SCHOOL BOARD OF ST. MARY
PARISH, *et al.*,

Defendants.

Civil Action No. 6:65-cv-11351

JUDGE ROBERT G. JAMES

MAGISTRATE JUDGE CAROL
WHITEHURST

**THE PLAINTIFF CLASS' MOTION FOR CLASS RECERTIFICATION
AND FORMAL APPOINTMENT OF CLASS COUNSEL**

1. On September 30, 2019, this Court wrote that this case “should be formally recertified as a class action in accordance” with Federal Rule of Civil Procedure 23(c) and invited briefing addressing the requirements of Rule 23(c). ECF No. 38.

2. Accordingly, the Plaintiff Class respectfully moves this Court to issue an order: (a) declaring this pre-1966 class action to be recertified under the amended 1966 version of Rule 23, with the class defined as “all Black children eligible to attend the public schools in St. Mary Parish and their parents and/or guardians,” and (b) appointing the Plaintiff Class’ current counsel of record as class counsel.

3. Counsel for the Plaintiff Class has conferred with counsel for Defendant School Board of St. Mary Parish (the “Board,” “District,” or “Defendant”).

4. The Defendant does not oppose this motion, except: (a) with regard to how the class is defined, and (b) insofar as the Defendant does not believe it has sufficient information to take a position about whether the Plaintiff Class Representatives are adequate representatives of the class.

5. As the Defendant concedes, the Plaintiff Class satisfies the Rule 23(a) requirements of numerosity, commonality, and typicality, as well as the requirements of Rule 23(b)(2). Indeed, today, as in 1965, the Plaintiff Class satisfies the requirements for class certification. The Plaintiff Class seeks comprehensive relief for the over three thousand Black students who are eligible to attend schools operated by the District and their parents/guardians. The Plaintiff Class claims a common, class-wide injury resulting from the District's ongoing failure to eliminate the vestiges of segregation. All claims or defenses are typical, and any relief obtained shall benefit the entire class.

6. As detailed in the memorandum and declarations filed in support of this motion, the Plaintiff Class Representatives are a part of the class and have a longstanding familiarity with the Defendant's schools since they have had children enrolled in the schools for well over a decade. Like other class members, they and their children are harmed by the District's failure to eliminate the vestiges of segregation. They have the same interest as other class members in making sure that the District cures its ongoing constitutional violation and provides equal educational opportunities to all of its students, regardless of race. The Plaintiff Class Representatives have each affirmed their willingness to undertake the duties of representing the class, including engaging with counsel and staying informed about the case. Accordingly, the Plaintiff Class Representatives are fully capable of making informed decisions about the course of the litigation and are adequate representatives of the class.

7. In addition, it is appropriate to define the class to include Black children eligible to attend the schools and their parents/guardians because that is how the class has been defined since the complaint was filed, and because the failure to eliminate the vestiges of *de jure* segregation imposes concrete harms on all Black children eligible to attend the District's schools and on their

parents/guardians. Indeed, the complaint specified that the lawsuit had been filed on behalf of all who were similarly situated to the original plaintiffs, who were described as “either currently attending the public free schools of St. Mary Parish or . . . in all material respects eligible to register, enroll, enter, attend classes and receive instruction in the public free schools of St. Mary Parish.” Compl., ECF No. 17-4 at 2-3.

WHEREFORE, the Plaintiff Class respectfully requests that the Court issue an order recertifying the class, defining the class as “all Black children eligible to attend the public schools in St. Mary Parish and their parents and/or guardians,” and appointing their current counsel of record as class counsel.

Respectfully submitted on October 25, 2019,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed THE PLAINTIFF CLASS' MOTION FOR CLASS RECERTIFICATION AND FORMAL APPOINTMENT OF CLASS COUNSEL and related papers with this Court using the CM/ECF system, which provides notice of this filing to all registered CM/ECF users on this 25th day of October 2019.

/s/ Michael N. Turnage Young
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